

NOTICE OF EXEMPTION

To: Office of Planning and Research
State Clearinghouse
P.O. Box 3044, 1400 Tenth Street, Room 212
Sacramento, CA 95812-3044

From: Department of Toxic Substances Control
Site Mitigation and Brownfields Reuse Program
1001 "I" Street, 11th Floor
P.O. Box 806
Sacramento, California 95812-0806

Project Title: Phase I Environmental Site Assessments (Proposed New and Expanding School Sites)

Project Location: Statewide

County: Statewide

Project Description: Title 1, division 1, part 10.5, chapter 1, section 17210, subsection (g), of the Education Code gives the Department of Toxic Substances Control (DTSC) the authority to adopt regulations that establish guidelines for preparation of Phase I Environmental Site Assessments (Phase Is) for proposed new and expanding school sites. A Phase I is prepared by a school district or its proponent interested in acquiring and developing a site as a school, and submitted to DTSC for review. The existing regulations allow for the inclusion of sampling and analytical results for lead in soil from lead-based paint and for polychlorinated biphenyls (PCBs) in soil from electrical transformers in a Phase I Addendum submitted along with or after submittal of a Phase I. Inclusion of sampling and analytical results in a Phase I Addendum under these regulations is strictly a voluntary option in lieu of preparation of a Preliminary Endangerment Assessment (PEA).

The proposed amended regulations apply to investigation and analysis for lead in soil from lead-based paint, polychlorinated biphenyls (PCBs) in soil from electrical transformers, and would now also include sampling and analysis for results for organochlorine pesticides (OCPs) in soil from termiticide applications.

The American Society for Testing and Materials (ASTM) Standard E1527-05 is the updated nationally recognized standard for conducting Phase Is. This rulemaking will make the new ASTM Standard the primary reference for conducting Phase Is for proposed new and expanding school sites and replaces the ASTM Standard E1527-00.

These amended regulations present straightforward sampling protocols and specify analytical methods to be used in conducting an investigation for lead, PCBs, and OCPs in soil. Sampling and analytical results will be evaluated in a human health screening evaluation approved by DTSC. If results of sampling for these three types of contaminants are indicated at a proposed new or expanding school site and the levels do not pose an excessive threat to the public, including children's health or the environment under unrestricted land use, no further investigation of the site would be required by DTSC. The proposed regulations would therefore expedite the environmental review process for school sites where these are the only three types of contaminants potentially present.

Name of Public Agency Approving Project: Department of Toxic Substances Control

Name of Person or Agency Carrying Out Project: Laurie Grouard (916) 323-3394

Exemption Status: (check one)

- ☐ Ministerial [PRC, Sec. 21080(b)(1); CCR, Sec. 15268]
- ☐ Declared Emergency [PRC, Sec. 21080(b)(3); CCR, Sec. 15269(a)]
- ☐ Emergency Project [PRC, Sec. 21080(b)(4); CCR, Sec. 15269(b)(c)]
- ☐ Categorical Exemption: [State type and section number]
- ☐ Statutory Exemptions: [State code section number]
- ☒ X General Rule [CCR, Sec. 15061(b)(3)]

Exemption Title: General Rule - With certainty, no possibility of a significant environmental effect.

Reasons Why Project is Exempt: Development of these regulations does not have the possibility of a significant effect to the environment because the standards proposed apply only on a procedural basis to the environmental

review process by enabling the submittal of sampling and specific analytical results in the initial phase of the review. Since the required elements of the environmental review process are not altered, the proposed standards do not affect the environment. Use of Phase I Assessments does not preclude DTSC review of the results or DTSC's ability to ask for additional sampling. It also does not limit DTSC's ability to call for further investigation through the PEA process. Individual projects, if remedial action is required, will be reviewed for compliance with the California Environmental Quality Act on a project-by-project basis.

Laurie Grouard

Project Manager Name

Regulation Writer

Project Manager Title

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Phone #

Branch Chief Signature

Date

Branch Chief Name

Branch Chief Title

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